

Resolution

Version 2.3 released on 8/3/21

Use for all types of Resolutions



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned Date: 11.02.2022
☐ Posted Item # 2211-02481

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Board Approval

Department: Legal
Contact Name: Kristina Gray

Resolution Type

Authorizing Sinking Fund Credit or Payment

Amount: \$25,000.00
Case Number: CJ-2022-03131

Description (Subject):
Payment of Lawsuit

Section: _____ Township: _____

Lot: _____ Block: _____

Other Board Name

Email: Kgray@cityoftulsa.org

Owner-Grantor:
Gambler, Inc.

TMAPC Number: _____ Council District: _____

Bid/Project Number: _____

Range: _____ Addition: _____

Address: _____

City Council Approval

☒ Yes ☐ No

Phone: 918-596-7717

Budget

Funding Source(s): _____

TOTAL:

Approvals

Department: _____
Legal: [Signature]
Board: _____
Mayor: [Signature]
Other: _____

Date: 10.27.22
Date: 10/27/2022
Date: NOV 02 2022
Date: _____

Policy Statement

Background Information

On September 7, 2022, Mayor Bynum approved settlement in above lawsuit in the amount of \$25,000.00. The Journal Entry was signed by the Judge and filed in the Court on October 24, 2022.

Summation of the Requested Action

Request Mayor Bynum approve payment in above lawsuit and direct Finance to issue a check in the amount of \$25,000.00, made payable to Gambler, Inc., and return to City Legal for further processing.

Emergency Clause?

☐ Yes
☐ No

Reason for Emergency Clause

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (add'l signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Add'l governmental entity approval(s) required

Additional Routing and Processing Details

Return executed RFA and Resolution back to City Legal.

(Published in the Tulsa World,
_____, 2022)

RESOLUTION

A RESOLUTION AUTHORIZING PAYMENT IN FULL OF A JUDGEMENT SETTLEMENT, FROM SURPLUS MONIES IN THE SINKING FUND; AND DECLARING AN EMERGENCY.

WHEREAS, on the 24th day of October, 2022, in Case No. CJ-2022-03131, filed in the District Court of Tulsa County, judgment was entered based on a settlement agreed to by and between Gambler, Inc., Plaintiff, and the City of Tulsa, Defendant, in the sum of Twenty-five Thousand and 00/100 Dollars (\$25,000.00), representing principal judgment, interest, costs and attorney fees, was entered against the City of Tulsa, which settlement has been approved by the Court; and

WHEREAS, it appears from a survey of the Sinking Fund that there is a surplus of cash and investments in said fund, over and above accrued liabilities and statutory obligations, which would allow the City of Tulsa to pay said judgment in full, including court costs and interest thereon; and

WHEREAS, it is desirable and in the best interest of the City of Tulsa to make such present payment out of the Sinking Fund, and thereafter reimburse the Sinking Fund from subsequent tax levies, as provided by 62 O.S. ' 435.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TULSA, OKLAHOMA:

Section 1. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized to consummate and complete the payment of said judgment by drawing the following warrant on the Sinking Fund:

To the order of Gambler, INC., Plaintiff, the sum of Twenty-five Thousand and 00/100 Dollars (\$25,000.00); the same representing the full amount of the judgment, interest, costs and attorney fees, now due and owing to the Plaintiff in the lawsuit identified above.

Section 2. That the City Clerk and the City Treasurer of the City of Tulsa be, and the same hereby are, authorized and directed to properly advise the Tulsa County Excise Board by appropriate reports, of the prepayment of said judgment in order that said Board may include said prepaid judgment as a necessary and lawful expense of the Sinking Fund of the City of Tulsa, Oklahoma, for which appropriate tax levies may be made to replenish said Sinking Fund, as provided by the provisions of Title 62 of the Statutes of the State of Oklahoma.

Section 3. That an emergency exists for the preservation of the public peace, health and safety, by reason whereof this Resolution shall take effect immediately from and after its passage, approval, and publication.

ADOPTED by the Council: _____ (Date)

ADOPTED as an emergency measure: _____ (Date)

Chairman of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____
Date Time

G.T. Bynum, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,
Date

Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney



DISTRICT COURT
FILED

OCT 24 2022

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

GAMBLER, INC,

Plaintiff,

V.

CITY OF TULSA,

Defendant.

CJ-2022-03131

Judge:

WILLIAM MUSSEMAN

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

NOW ON this 19 day of October 2022, this matter comes before the undersigned Judge. Plaintiff, Gambler, Inc., appears pro se, and Defendant City of Tulsa, appears by and through its attorney of record, Kristina L. Gray, Litigation Division Manager.

The Court, having reviewed the allegations set forth in Plaintiff's Petition, having reviewed the Defendant's *Offer of Proof* filed herein on the 13 day of October 2022 evidencing that the statutory requirements pursuant to 62 O.S. § 362 have been met and that the judgment proceeds being paid by the Defendant to the Plaintiff herein shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment as evidenced by the Affidavit of Chad D. Becker attached as Exhibit "A" to the Defendant's *Offer of Proof*, and the Court being advised that the City's Mayor has authorized a compromised settlement in the sum of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00) and the Court being satisfied that Plaintiff fully understands the nature of this action with regard to its finality which precludes additional or further compensation for damages arising from the occurrence of the event identified in Plaintiff's Petition and, upon being further advised by Plaintiff that it is their desire to settle the entirety of all claims and causes of action relating to the events identified in

Plaintiff's Petition, including costs and fees, upon payment in the sum of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00), the Court finds:

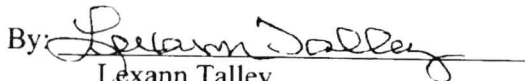
1. That the Court has jurisdiction over the subject matter of this lawsuit and the parties hereto;
 2. That Plaintiff in its representative capacity is fully aware of its rights in this matter and it is Plaintiff's desire to compromise the right to trial by jury;
 3. That Plaintiff desires to accept as full, final, and complete settlement the sum of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00), for any and all damages, losses, fees, and expenses sustained as a result of the events identified in Plaintiff's Petition;
 4. That this settlement is not an admission that the City of Tulsa, or its employees were negligent, but is only a recognition of the uncertainty of trial;
 5. The Plaintiff has agreed to dismiss with prejudice or forgo any and all claims against any employees of the City of Tulsa individually;
 6. That by agreement of the parties, Defendant's payment to Plaintiff will stand as full compensation to Plaintiff in its representative capacity and preclude any further or separate action by Plaintiff against City of Tulsa, a municipal corporation, or any of its employees, arising from or relating to the events described in Plaintiff's Petition;
 7. That the City has agreed to settle Plaintiff's lawsuit in the sum of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00);
 8. That the City shall pay the Plaintiff from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment; and
 9. That all parties request this Court to approve and finalize their mutual settlement;
- IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that

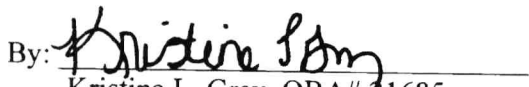
Plaintiff in its representative capacity has and recovers from the Defendant City of Tulsa, Oklahoma, damages in the total sum of Twenty-Five Thousand Dollars and 00/100 (\$25,000.00) as full, final, and complete compensation for any and all damages, losses, fees, and expenses incurred or sustained incident to the events described in Plaintiff's Petition and that said damages shall be paid from the City of Tulsa's Sinking Fund which has sufficient funds available to pay said judgment; and

IT IS FURTHER ORDERED BY THE COURT that Plaintiff's claim against Defendant City of Tulsa is dismissed with prejudice and that payment to Plaintiff by Defendant City of Tulsa will preclude any further or separate action by Plaintiff against Defendant City of Tulsa or any employee of Defendant City of Tulsa arising from or pertaining to the events described in Plaintiff's Petition.


JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM AND CONTENT:

By: 
Lexann Talley
Gambler, Inc.
15805 E. 380 Rd.
Claremore, OK 74017

By: 
Kristina L. Gray, OBA#21685
Litigation Division Manager
City of Tulsa
175 East Second Street, Suite 685
Tulsa, Oklahoma 74103
(918) 596-7717
(918) 596-9700 Facsimile

Legal Records

Version 2.6 released on 8/3/21

For torts, lawsuits, settlements, and other legal actions. Use other more specified RFAs for other record types including Contracts, MOUs, Election Actions, Worker's Compensation Orders and Miscellaneous


CITY COUNCIL USE ONLY

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CITY CLERK USE ONLY

☐ Scanned Date: _____
☐ Posted Item #: _____

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Legal Action Type

Tort - Approval of Claim

Court Order Date
Council Approval
☐ Yes ☐ No

Department

Legal

Contact Name

Julie Makinson

Email

jmakinson@cityoftulsa.org

Phone

918-596-7717

Incident Date

4/22/21

Legal Case No.
Amount

\$25,000.00

Name

C21-249 Gambler, Inc.

Originating Department

Asset Management

Date Filed City Clerk

12/20/21

Budget/Payments

Funding Source(s) / Checks to be Issued

: \$25,000.00
TOTAL: \$25,000.00

Approvals

Department: _____

Legal: _____

Board: _____

Mayor: _____

Other: _____

Date: 9.1.22

Date: 9/1/22

Date: _____

Date: _____

Date: _____

Date: _____

Summary

Background Information
Summation of the Requested Action

Request Mayor approve tort claim settlement of \$25,000.00, and approve the filing fee of \$242.14 for Legal to file the necessary court documents for the settlement proceeds to be paid from the sinking fund.

Other Pertinent Information

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (addtl signature copies attached)
☐ Must be filed with other governmental entity
☐ Addtl governmental entity approval(s) required

Additional Routing and Processing Details

Please return stamped approved copy to Legal.

APPROVED BY MAYOR
CITY OF TULSA

SEP 07 2022

INTEROFFICE CORRESPONDENCE

To: Mayor G.T. Bynum
From: Kristina L. Gray, Litigation Division Manager
Date: September 1, 2022
Subject: Tort Claim Approval, Case #C21-249

Lexann Talley, on behalf of Gambler Inc., presents tort claim C21-249, for property damage in excess of \$25,000.00. An estimate for repair in the amount of \$58,062.02 was included with the claim.

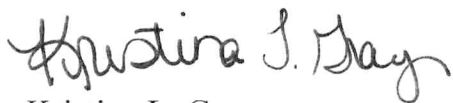
Ms. Talley alleges that on April 22, 2021, in the area of Gilcrease and Quanah, while traffic was at a stop a Tulsa City Service Truck ran in to the back of their dump truck at a high rate of speed.

The Legal Department, along with Equipment Management, reviewed this claim. The investigation confirmed the incident occurred as stated.

The Legal Department recommends this claim be approved.

If you agree with the recommendation, please approve the filing fee in the amount of \$242.14 for Legal to file the necessary court documents for the settlement proceeds to be paid from the sinking fund.

Respectfully,



Kristina L. Gray
Litigation Division Manager

/jam